

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

WINDY CITY MOVING, INC., d/b/a as	)	
NEW CITY MOVING, an Illinois domestic	)	
business corporation,	)	
	)	
Plaintiff,	)	
v.	)	Case No.: 1:20-cv-05180
	)	
MINI MOVERS LLC d/b/a NEW CITY	)	Judge: Hon. John Z. Lee
MOVERS, a foreign limited liability	)	
company,	)	
	)	
Defendant.	)	

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**PLAINTIFF’S MOTION FOR DEFAULT JUDGMENT**

NOW COMES Plaintiff, WINDY CITY MOVING, INC., d/b/a as NEW CITY MOVING, an Illinois domestic business corporation, by and through its attorneys, the law firm of COLE SADKIN, LLC, requests that this Motion for Default Judgment, (“Motion”), be granted in the following manner and in support of this Motion, Plaintiff proffers the following:

1. On or about September 2, 2020, Plaintiff filed a Complaint against Defendant for damages and injunctive relief arising out of Defendant’s unauthorized and improper use of Plaintiff’s common law trademark and registered domain name. [Doc 1].
  
2. Defendant has two corporate addresses, one located 8920 Blue Ash Road, Cincinnati, Ohio 45242 (“Ohio Location”) and another located at 340 Upper Oakwood Ave., Elmira NY 14903 (“New York Location”).
  
3. Plaintiff’s special process server, ATG LegalServe Inc., License Number 115-001793, (“ATG”), attempted to serve Defendant at the Ohio Location and on November 3, 2020 at the New York Location. Both attempts were unsuccessful.

4. On November 19, 2020, Plaintiff was granted leave to serve Defendant by alternative service, including but not limited to by posting. [Doc 11].

5. On December 1, 2020, ATG effectuated service on Defendant by posting. [Doc14].

6. To date, Defendant has failed to appear, answer, or otherwise plead to Plaintiff's Complaint and are in now in default.

7. On January 11, 2021, a Minute Order was entered requesting that Plaintiff file this Motion on or before January 17, 2021 to be presented on January 28, 2021 at 8:45AM. [Doc 15].

WHEREFORE, based on the foregoing, Plaintiff requests that this Honorable Court GRANT this Motion for Default and order the following relief:

- (a) a finding that Defendant is in default for its failure to appear, answer, or otherwise plead to Plaintiff's Complaint;
- (b) judgment in an amount to be determined by the Court for all damages sustained by New City Movers, including New City Movers' profits, in an amount to be determined by this Honorable Court or by way of a prove-up hearing, such damages to be trebled pursuant to the applicable sections the Lanham Act as set out in Plaintiff's Complaint;
- (c) judgment for punitive damages in favor of Plaintiff and against Defendant in a commensurate amount to be determined by this Honorable Court;
- (d) judgment in favor of Plaintiff and against Defendant for all attorneys' fees and costs incurred by Plaintiff in this action, plus interest;
- (e) a permanent injunction requiring New City Movers' to refrain from any use of the New City Moving Mark or any confusingly similar mark;
- (f) immediate transfer of domain name: [www.newcitymoves.com](http://www.newcitymoves.com) to New City Moving at no cost to New City Moving;
- (g) and Order commanding both New City Movers and any owners of New City Movers to cease and desist from using the New City Moving Mark or any confusingly similar mark using the name New City Movers, New City Moving, New City Moves, New City Moving & Storage, and any other iteration or combination of the words "New" and "City" in connection with any other moving company now in existence or that they attempt to establish in the future;

(h) and Order commanding the disconnection of all phone numbers associated with New City Movers and entry of an order transferring said phone numbers to New City Moving at no cost to New City Moving; and

(i) such other relief as this Honorable Court deems just and proper.

DATED this 13th day of January 2021

Respectfully Submitted,

By: /s/ Mason S. Cole

**COLE SADKIN, LLC**

Mason S. Cole  
Dean J. Tatooles  
20 South Clark Street, Suite 500  
Chicago, IL 60603  
colesadkin.com  
(312) 548-8610  
[mcole@colesadkin.com](mailto:mcole@colesadkin.com)  
[dtatooles@colesadkin.com](mailto:dtatooles@colesadkin.com)  
Counsel for Plaintiff  
ARDC# 6307727